

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
PAUL OPPENHEIMER,

Plaintiff

-v-

SEBASTIAAN ABBINK SPAINK, et al.,

Defendants.  
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24-CV-07047 (JAV)

ORDER

JEANNETTE A. VARGAS, United States District Judge:

On March 28, 2025, Defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that by April 28, 2025, the non-moving party must notify the Court whether it intends to file an amended pleading or rely on the pleading being attacked.

If Plaintiff elects to amend the complaint, Plaintiff shall file any amended complaint by **May 7, 2025**. Pursuant to Local Civil Rule 15.1, available at <https://www.nysd.uscourts.gov/rules>, any amended complaint should be filed with a redline showing all differences between the original and revised filings. Plaintiff is on notice that there will likely not be any further opportunity to amend the complaint to address issues raised by the motion to dismiss.


If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that they rely on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file a new motion to dismiss or indicates that they rely on their previously filed motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If Plaintiff elects not to amend the pleadings, Plaintiff shall file any opposition to the motion to dismiss by **May 7, 2025**. Defendants' reply, if any, shall be filed by **May 14, 2025**.

SO ORDERED.

Dated: April 16, 2025

New York, New York

  
 JEANNETTE A. VARGAS  
 United States District Judge